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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Martin MENDOZA

Defendant.

Magistrate Case No. 08 JUL -1 AM 10:38

COMPLAINT FOR VIOLATION OF:

BY:
Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

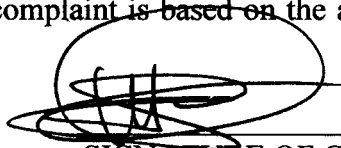
DEPUTY

ECU

The undersigned complainant, being duly sworn, states:

On or about **April 8, 2008**, within the Southern District of California, defendant, **Martin MENDOZA**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Deportation Officer, Lisette Guzman
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st** DAY OF **July**, 2008.


UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

On Tuesday April 08, 2008, the defendant identified as Martin MENDOZA was arrested by Customs and Border Protection (Border Patrol) in violation of Penal Code 3056, "Violation of Parole". Defendant was booked into San Diego County Jail. A Border Patrol officer determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody.

On June 30, 2008, the defendant was referred to the custody of Immigration Customs Enforcement (ICE). An Immigration Enforcement Agent reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on February 13, 2007 and physically removed to Mexico on the same date via the Nogales Arizona, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Martin MENDOZA, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per Miranda. The defendant acknowledged those rights and elected to answer questions without counsel present. The defendant stated that his true name is Martin MENDOZA, and that he is a citizen of Mexico by birth in Guerrero, Mexico. Defendant admitted he has not obtained a waiver to re-enter the United States. Defendant also admitted he has not applied to obtain documents nor is he in possession of documents entitling him to enter or reside in the United States lawfully. Defendant further admitted that he knew it was against the law to enter illegally after having been deported.